

NOTE: The renewal permit fee shall be reduced to \$10 per year when the inspection fees paid by the eligible processing plant aggregate \$200 or more during the preceding fiscal year ended September 30, and shall be waived when such fees aggregate \$400 or

more during such fiscal year. Such reduced permit fee shall apply only in case the eligible processing plant has made use of the licensed inspection service.

[47 FR 3346, Jan. 25, 1982]

## SUBCHAPTER G—MISCELLANEOUS MARKETING PRACTICES UNDER THE AGRICULTURAL MARKETING ACT OF 1946

### PART 170—USDA FARMERS MARKET

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AUTHORITY: 5 U.S.C. 301; 7 U.S.C. 1621–1627.

SOURCE: 70 FR 76131, Dec. 23, 2005, unless otherwise noted.

#### **§ 170.1 To which farmers markets does this rule apply?**

This rule applies only to the USDA Farmers Market at headquarters on the corner of 12th Street & Independence Avenue, SW., Washington, DC.

#### **§ 170.2 Is the USDA Farmers Market a producer-only market?**

Yes. A producer-only market is one that does not offer agricultural products that are commercially made, created, or produced, and only allows agricultural products that are grown by a

principal farmer. A producer-only market offers raw agricultural products such as fruits, vegetables, flowers, bedding plants, and potted plants. The USDA Farmers Market is a producer-only market since only farmers who may sell products that they grow or produce will be selected for participation. It also allows the sale of value-added products and other specialized non-produce items.

#### **§ 170.3 What products may be sold at the USDA Farmers Market?**

Products that may be sold at the market include, but are not limited to, fresh, high-quality fruits, vegetables, herbs, honey, jams and jellies, cheese, vinegars, cider, maple syrup, fish, flowers, bedding plants, and potted plants. USDA inspected meats and poultry items also may be sold.

#### **§ 170.4 Who may participate in the USDA Farmers Market?**

Members of three groups may participate in the USDA Farmers Markets:

(a) *Principal farmers or producers who sell their own agricultural products.* The principal farmer must be in full control and supervision of the individual steps of production of crops including tilling, planting, cultivating, fertilizer and pesticide applications (if applicable), harvesting and post-harvest handling on its own farm with its own machinery and labor.

(b) *Principal farmer or producers who sell their own value-added agricultural products.* Value-added products may include agricultural products that have been enhanced through a modification of the product, such as braiding, weaving, hulling, extracting, handcrafting, and the like. It also may result from growing the product in a way that is acknowledged as safer. Farmers and

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vendors selling these types of products must prepare them predominately with material they have grown or gathered.

(c) *Nonproduce vendors.* A limited number of non-produce vendors may be selected by market management to sell specialized products that enhance the market atmosphere and historically attract customers to a farmers market. These specialized vendors, such as bakers, may be exempted from the reselling restrictions that apply to the farmers and vendors described in paragraphs (a) and (b) of this section.

### **§ 170.5 Is there a fee to participate in the USDA Farmers Market?**

No, there are no fees charged to participate in the market.

### **§ 170.6 How are potential market participants identified for the USDA Farmers Market?**

Potential market participants are recruited by AMS market management through local farm organizations in the Washington DC metropolitan area State Departments of Agriculture from the mid-Atlantic region including, Virginia, West Virginia, Maryland, Delaware, and Pennsylvania. Upon receiving a list of potential farmers and vendors from the organizations and the State Departments of Agriculture, an information packet, which includes an application and this rule, will be mailed to each potential participant identified by the contacts.

### **§ 170.7 Can I apply if I am not recruited?**

Yes. Interested persons may call or write USDA to request an information packet even if they are not recruited. Those interested may write USDA/AMS/TM/MSB, Room 2646-South Building, 1400 Independence Avenue, SW., Washington, DC, 20250, or call (202) 720-8317. They may also call the USDA Farmers Market Hotline at 1-800-384-8704 to leave a message to have a packet mailed or faxed. They may also visit the web site at <http://www.ams.usda.gov/farmersmarkets/> to review the selection criteria, the operating rules, and to receive an application electronically.

### **§ 170.8 What are the application procedures?**

In January of each year, prospective and returning participants must submit to USDA a completed application for participation in the upcoming market season. Each application will include a copy of this rule, which includes the selection criteria and operating guidelines. Each applicant also will certify that each is the owner or representative of the farm or business submitting the application.

### **§ 170.9 What type of information does the application require?**

The application for participation in the USDA Farmers Market will provide market management with information on contacts, farm location, type of farming operation, types of products grown, and business practices, including insurance coverage.

### **§ 170.10 Must a participant in the market have insurance?**

There is no requirement for a participant to have insurance; however, USDA asks that participants with insurance provide insurance information for our records.

### **§ 170.11 How are farmers and vendors selected for participation in the USDA Farmers Market?**

USDA reviews all applications and selects participants based primarily on the type of farmer or vendor (i.e., fruit, vegetable, herb, baker) and secondly, on the specific types of products to be sold. The selection of the participants is conducted by the market management to ensure a balanced product mix of fruits, vegetables, herbs, value-added products, and baked goods.

### **§ 170.12 What are the selection criteria for participation in the USDA Farmers Market?**

The selection criteria are designed to ensure a consistently high level of quality and diverse products are available at the market, while operating in the constraints of space available at the market site. The criteria are:

(a) *Member of one of the three participant groups specified in § 170.4 of this part.* The participant must be a producer-only farmer or producer, seller of